

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

THE ESTATE OF YARON UNGAR,  
et al

v.

THE PALESTINIAN AUTHORITY,  
et al

C.A. No. 00-105L

DEFENDANTS REPLY MEMORANDUM IN  
SUPPORT OF THEIR RULE 12(b)(1) MOTION

Defendants submit as their reply to plaintiffs' objection to their Rule 12(b)(1) motion and their response to the expert declaration defendants have submitted of Ed Morgan, a law professor, at the University of Toronto, the authoritative, well-reasoned and thoroughly documented discussion of Palestinian statehood by Prof. John Quigley, Professor of law at Ohio State University, set forth in the attached article, Making Peace Agreements Work: The Implementation And Enforcement Of Peace Agreements Between Sovereigns And Intermediate Sovereigns: Article: The Israel-PLO Interim Agreements: Are They Treaties? 30 Cornell Int'l L.J. 717 (1997).

The article examines and supports statehood on at least two bases:

- (1) under the criteria of the ALI Restatement of Foreign Relations Law, see especially the section headed The Claim of Palestine to Statehood, at pp. 722-26 and
- (2) statehood arising from sovereignty over territory under belligerent occupation, tracing sovereignty over the Gaza Strip and West Bank before and after the commencement of Israel's occupation, pointing out that while Israel disputes Palestine's sovereignty it does not claim

sovereignty itself, but substitutes its control under occupation as a temporary sovereignty, concluding that Israel is an occupant only and that Palestine is sovereign in the Gaza Strip and West Bank and hence a state, see pp. 726-29.

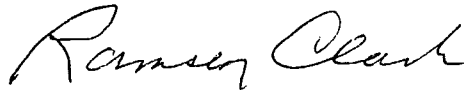
The fifty six years of documents and commentary supporting Palestinian statehood is voluminous. Defendants have presented key documents heretofore and have selected Professor Quigley's article and the many sources it cites for its sound and clearly expressed presentation of statehood as a summary in further support of their motion to dismiss.

#### CONCLUSION

Defendants' Rule 12(b)(1) motion should be granted.

Respectfully submitted,

*12 Sept 2003*



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CERTIFICATION OF SERVICE

I hereby certify that on the 12th day of September, 2003, a copy of the within Palestinian Defendants' Reply Memorandum In Support Of Their Rule 12(b)(1) Motion was faxed and mailed to David Strachman, Esq. McIntyre, Tate, Lynch and Holt, Suite 400, 321 South Main Street, Providence, RI 02903.

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